

SHER TREMONTE LLP

January 24, 2025

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Jona Rechnitz*, 16-cr-389 (KPF)

Dear Judge Failla,

I represent Jona Rechnitz. I write on behalf of my client to respectfully request an adjournment of sentencing, which is currently scheduled for February 12, 2025. The government consents to this request; the New York Corrections Officers' Benevolent Association ("COBA") objects.

As Your Honor is aware, on November 22, 2024, COBA petitioned the Second Circuit under the Crime Victims Rights Act ("CVRA") for a writ of mandamus challenging the Court's restitution order. Mr. Rechnitz filed his opposition to mandamus relief on January 9, 2025, and COBA filed its reply today, January 24, 2025. The government did not file a brief either in support of or in opposition to COBA's requested relief. At this time, we do not know when the Circuit will act on COBA's petition—the parties jointly waived the time limit set forth in the CVRA to allow for full briefing. Given that the restitution issue in this case is not resolved, Mr. Rechnitz respectfully submits that an adjournment of sentencing is warranted until after we have received a response from the Circuit.

In addition, I am advised that the current sentencing schedule conflicts with a multi-month trial that counsel for the government expects to start on February 5, 2025. As of now, the government anticipates that trial will end in mid-April. I am on trial before Judge Azrack in the Eastern District starting on May 5, 2025, which is expected to last two or three weeks. Accordingly, given these scheduling conflicts, I respectfully request that sentencing be adjourned until a time that is convenient for the Court in June.

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I have conferred with counsel for the government and COBA. As noted, the government consents to this request. Counsel for COBA advises that his client believes sentencing should proceed as scheduled and objects to any further adjournment.

I appreciate Your Honor's consideration.

Respectfully submitted,

/s/Noam Biale

Noam Biale

Attorney for Jona Rechnitz

cc: AUSA Lara Pomerantz (by ECF)
Christopher Gunther, Esq. (by ECF)

The Court has reviewed the above request for adjournment of sentencing, as well as a further update regarding counsel for the Government's trial schedule, which reflected that the conflicting trial has been adjourned from February 2025 to late March 2025.

Due to the scheduling conflicts, and moreover, the pending petition for a writ of mandamus, the Court GRANTS Defendant's request for an adjournment of his upcoming sentencing.

The Court hereby ADJOURNS Defendant's sentencing, currently scheduled for February 12, 2025, to **June 11, 2025, at 3:00 p.m.**

The deadline for the parties to submit supplemental sentencing submissions is correspondingly ADJOURNED to **May 28, 2025**; any responsive submissions shall be filed on or before **June 4, 2025**.

The Clerk of Court is directed to terminate the pending motion at docket entry 244.

Dated: January 27, 2025
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE